

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
EARL L. DIEHL,

Petitioner,

v.

MICKEY McCASH,  
Warden, Oregon  
Correctional Center,

Respondent.  
-----

ORDER

08-cv-133=BBC

Petitioner Earl L. Diehl has filed objections to the report and recommendation entered by the United States Magistrate Judge in which the magistrate judge recommended denial of petitioner's petition for habeas corpus relief under 28 U.S.C. § 2254. Because the magistrate judge explained thoroughly, persuasively and correctly why petitioner was not being held in custody in violation of the United States Constitution, I am adopting his report in all respects.

It is not necessary to add to the magistrate judge's explanation of the reasons why the petition must be denied. It is evident that petitioner does not agree with that explanation but equally evident that he has no legal basis for his objections.

ORDER

IT IS ORDERED that the report and recommendation of the United States Magistrate Judge signed on July 28, 2008, is ADOPTED. FURTHER, IT IS ORDERED that petitioner Earl L. Diehl's petition for a writ of habeas corpus is DENIED for petitioner's failure to show that he is in custody in violation of the laws or constitution of the United States.

Entered this 22<sup>nd</sup> day of August, 2008.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge